UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LUTZ **HEUER**, PETER WACHTLER,
MICHAEL SCHWAMBORN, MARTIN KUGLER,
AND HANS-ULRICH BUSCHHAUS,
Senior Party
(U.S. Application 08/888,609),

v.

MARK DANIEL **McDADE**
Junior Party
(U.S. Patent 5,874,456).

Patent Interference No. 105,609 (MPT)
(Technology Center 1600)

REDECLARATION – Bd. R. 203(c)

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3   This interference was initially declared with Heuer as senior party based

4   upon its earliest accorded constructive reduction to practice date of **October 5,**

5   **1992**. (Notice Declaring Interference, p. 5). McDade was designated junior party

6   based upon an accorded earlier constructive reduction to practice date of **February**

7   **2, 1993**, the date of filing its parent U.S. 08/012,550 application. (*Id.*).

8   As explained in Order (Paper 3), the Board was unable to review McDade's

9   involved '609 and parent '550 application file histories at the time of declaration

1   (the files appear to be lost). McDade, in response to the Board's request, has filed

2   its best available copy of the '609 and '550 file histories. (McDade Response to

3   Order, Paper 10). The Board exercises its discretion and revisits McDade's

4   accorded constructive reduction to practice date in light of the file histories

5   submitted by McDade. Based upon its review of the file histories, the Board

6   determines that McDade's earliest constructive reduction to practice date is

7   **February 5, 1992**, the filing date of McDade's GB 9202378 application.

8   The Board redeclares the interference to accord McDade constructive

9   reduction to practice benefit of its February 5, 1992 GB application. McDade's

10 earliest accorded constructive reduction to practice date now precedes that of

11 Heuer (February 2, 1992 v. October 5, 1992). As such, the Board designates

12 McDade as senior party and Heuer as junior party.

13   Provided below is the redeclared accorded constructive reduction benefit for

14 each party for Count 1, the sole count in interference. No change is made to the

15 Count or claim correspondence.

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17   McDade:
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19   i) U.S. Application 08/012,550, filed February 2, 1993.
20   ii) GB Application 9202378, filed **February 5, 1992**.
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22   Heuer:
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24   i) U.S. Application 08/552,566, filed October 13, 1995;
25   ii) U.S. Application 08/338,356, filed November 14, 1994;
26   iii) U.S. Application 08/128,450, filed September 28, 1993;
27   iv) P 42 33 337.7, filed October 5, 1992.
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29   The heading used in this interference has been changed to reflect McDade's

30 senior party status. The new heading must be used on all subsequent papers filed

1   in this interference.

2   A copy of McDade's file histories for the '550 and '609 applications is

3   entered into the interference record as McDade exhibits ("MX") 1001 and 1002.

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5   It is:

6   ORDERED that McDade is accorded a constructive reduction to

7   practice date of February 5, 1992, the date of filing of McDade's GB 9202378

8   application;

9   FURTHER ORDERED that McDade is designated senior party and

10   Heuer is designated junior party;

11   FURTHER ORDERED that the heading used in this interference has

12   been changed; and

13   FURTHER ORDERED that McDade's submitted file history for its

14   '550 application has been entered into the interference record as MX 1001 and

15   McDade's '609 file history has been entered into the record as MX 1002.

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17   /Michael P. Tierney/
18   Administrative Patent Judge
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